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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/810,927	03/16/2001	Eugene Medlock	01017/36917A	7150

4743 7590 08/26/2002

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EXAMINER

ANDRES, JANET L

ART UNIT	PAPER NUMBER
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1646

DATE MAILED: 08/26/2002

13

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Applicati n No.

09/810,927

Applicant(s)

MEDLOCK ET AL.

Examin r

Janet L Andres

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-89 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-89 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-12, 14, 15, 59-61, 69, 74, and 75, drawn to polynucleotides and means of expression, classified in class 435, subclasses 69.1, 320.1, and 324, and class 536, subclass 23.5 .
- II. Claims 13, 18- 28, 53-58, 62, 63, and 70, drawn to polypeptides, classified in class 530, subclass 351.
- III. Claims 16, 17, 71, and 80-82, drawn to methods of screening, classified in class 435, subclass 7.1.
- IV. Claims 29-48 and 50-52, drawn to antibodies, classified in class 530, subclasses 388.1 and 389.1.
- V. Claims 49, 66, and 83-89, drawn to methods of treatment using an antibody, classified in class 424, subclass 158.1.
- VI. Claims 64 and 89, drawn to methods of treatment with a polypeptide, classified in class 424, subclass 85.2.
- VII. Claims 65 and 72, drawn to methods of gene therapy, classified in class 435, subclass 455.
- VIII. Claims 67 and 89, drawn to methods of treatment with antisense, classified in class 514, subclass 44.

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- IX. Claim 68, drawn to a method of detecting a polypeptide, classified in class 424, subclass 9.34.
- X. Claim 73, drawn to a transgenic animal, classified in class 800, subclass 8.
- XI. Claims 76-79, drawn to methods of detection of nucleic acids, classified in class 424, subclass 9.1.
- XII. Claim 89, drawn to a method of treatment using small molecules, classified in class 514, subclass 1.

Claim 89 appears in more than one group because it encompasses multiple inventions.

The inventions are distinct, each from the other because of the following reasons:

The polynucleotides of Invention I are not related to the polypeptides of Invention II.

They differ structurally and functionally, can not be used together or interchangeably, and have non-coextensive searches and considerations.

The polynucleotides of Invention I are not related to the methods of Invention III. They cannot be used in or detected by these methods.

The polynucleotides of Invention I are not related to the binding agents of Invention IV. They differ structurally and functionally, cannot be used together or interchangeably, and have non-coextensive searches and considerations.

The polynucleotides of Invention I are not related to the methods of Invention V. They cannot be used in these methods.

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The polynucleotides of Invention I are not related to the methods of Invention VI. They cannot be used in these methods.

The polynucleotides of Invention I are distinct from the methods of Invention VII. They have other uses, such as detection and diagnosis.

The polynucleotides of Invention I are distinct from the methods of Invention VIII. They have other uses, such as detection and diagnosis.

The polynucleotides of Invention I are not related to the methods of Invention IX. They cannot be used in these methods.

The polynucleotides of Invention I are not related to the animals of Invention X. They differ structurally and functionally, cannot be used together or interchangeably, and have non-coextensive searches and considerations.

The polynucleotides of Invention I are distinct from the methods of Invention XI. They have other uses, such as the generation of protein.

The polynucleotides of Invention I are not related to the methods of Invention XII. They cannot be used in these methods.

The polypeptides of Invention II are distinct from the methods of Invention III. They have other uses, such as the generation of antibodies.

The polypeptides of Invention II are not related to the selective binding agents of Invention IV. They differ structurally and functionally, cannot be used together or interchangeably, and have non-coextensive searches and considerations.

The polypeptides of Invention II are not related to the methods of Invention V. They cannot be used in these methods.

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The polypeptides of Invention II are distinct from the methods of Invention VI. They have other uses, such as the generation of antibodies.

The polypeptides of Invention II are not related to the methods of Invention VII. They cannot be used in these methods.

The polypeptides of Invention II are not related to the methods of Invention VIII. They cannot be used in these methods.

The polypeptides of Invention II are distinct from the methods of Invention IX. They can be detected in different ways, such as by functional assays.

The polypeptides of Invention II are not related to the animals of Invention X. They differ structurally and functionally, cannot be used together or interchangeably, and have non-coextensive searches and considerations.

The polypeptides of Invention II are not related to the methods of Invention XI. They cannot be used in or detected by these methods.

The polypeptides of Invention II are not related to the methods of Invention XII. They cannot be used in these methods.

The screening assays of Invention III are distinct from the antibodies of Invention IV because they can be used to identify other molecules.

The screening assays of Invention III are not related to the methods of Invention V. They require different reagents and have different method steps, different goals, and different outcome measures.

The screening assays of Invention III are not related to the methods of Invention VI. They have different method steps, different goals, and different outcome measures.

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The screening assays of Invention III are not related to the methods of Invention VII. They require different reagents and have different method steps, different goals, and different outcome measures.

The screening assays of Invention III are not related to the methods of Invention VIII. They require different reagents and have different method steps, different goals, and different outcome measures.

The screening assays of Invention III are not related to the methods of Invention IX. They require different reagents and have different method steps, different goals, and different outcome measures.

The screening assays of Invention III are not related to the animals of Invention X. The animals cannot be used in or detected by the assays.

The screening assays of Invention III are not related to the methods of Invention XI. They require different reagents and have different method steps, different goals, and different outcome measures.

The screening assays of Invention III are not related to the methods of Invention XII. They require different reagents and have different method steps, different goals, and different outcome measures.

The antibodies of Invention IV are distinct from the methods of Invention V because they have other uses, such as protein purification.

The antibodies of Invention IV are not related to the methods of Invention VI. They cannot be used in these methods.

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The antibodies of Invention IV are not related to the methods of Invention VII. They cannot be used in these methods.

The antibodies of Invention IV are not related to the methods of Invention VIII. They cannot be used in these methods.

The antibodies of Invention IV are distinct from the methods of Invention IX. They have other uses, such as protein purification.

The antibodies of Invention IV are not related to the animals of Invention X. They differ structurally and functionally, cannot be used together or interchangeably, and have non-coextensive searches and considerations.

The antibodies of Invention IV are not related to the methods of Invention XI. They cannot be used in or detected by these methods.

The antibodies of Invention IV are not related to the methods of Invention XII. They cannot be used in or detected by these methods.

The methods of Invention V are not related to the methods of Invention VI. They require different reagents and have different method steps, different goals, and different outcome measures.

The methods of Invention V are not related to the methods of Invention VII. They require different reagents and have different method steps, different goals, and different outcome measures.

The methods of Invention V are not related to the methods of Invention VIII. They require different reagents and have different method steps, different goals, and different outcome measures.



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The methods of Invention V are not related to the methods of Invention IX. They have different method steps, different goals, and different outcome measures.

The methods of Invention V are not related to the animals of Invention X. The animals cannot be used in or generated by the methods.

The methods of Invention V are not related to those of Invention XI. They require different reagents and have different method steps, different goals, and different outcome measures.

The methods of Invention V are distinct from the methods of Invention VI. They require different reagents and have different method steps.

The methods of Invention VI are distinct from the methods of Invention VII. They require different reagents, and have different method steps and different considerations.

The methods of Invention VI are not related to the methods of Invention VIII. They require different reagents and have different method steps, different goals, and different outcome measures.

The methods of Invention VI are not related to the methods of Invention IX. They require different reagents and have different method steps, different goals, and different outcome measures.

The methods of Invention VI are not related to the animals of Invention X. The animals cannot be used in or generated by the methods.

The methods of Invention VI are not related to the methods of Invention XI. They require different reagents and have different method steps, different goals, and different outcome measures.

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The methods of Invention VI are not related to the methods of Invention XII. They require different reagents and have different method steps, different goals, and different outcome measures.

The methods of Invention VII are not related to the methods of Invention VIII. They require different method steps and have different goals and outcome measures.

The methods of Invention VII are not related to the methods of Invention IX. They require different reagents and have different method steps, different goals, and different outcome measures.

The methods of Invention VII are not related to the animals of Invention X. The animals cannot be used in or generated by the methods.

The methods of Invention VII are not related to the methods of Invention XI. They require different reagents and have different method steps, different goals, and different outcome measures.

The methods of Invention VII are not related to the methods of Invention XII. They require different reagents and have different method steps, different goals, and different outcome measures.

The methods of Invention VIII are not related to the methods of Invention IX. They require different reagents and have different method steps, different goals, and different outcome measures.

The methods of Invention VIII are not related to the animals of Invention X. The animals cannot be used in or generated by the methods.

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The methods of Invention VIII are not related to the methods of Invention XI. They have different method steps, different goals, and different outcome measures.

The methods of Invention VIII are not related to the methods of Invention XII. They have different method steps, different goals, and different outcome measures.

The methods of Invention IX are not related to the animals of Invention X. The animals cannot be used in or generated by the methods.

The methods of Invention IX are not related to the methods of Invention XI. They require different reagents and have different method steps, different goals, and different outcome measures.

The methods of Invention IX are not related to the methods of Invention XII. They require different reagents and have different method steps, different goals, and different outcome measures.

The animals of Invention X are not related to the methods of Invention XI. They cannot be used in or generated by these methods.

The animals of Invention X are not related to the methods of Invention XII. They cannot be used in or generated by these methods.

The methods of Invention XI are distinct from those of Invention XII because they require different reagents.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

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Because these inventions are distinct for the reasons given above and the searches required for the different groups are different, restriction for examination purposes as indicated is proper.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet Andres, Ph.D., whose telephone number is (703) 305-0557. The examiner can normally be reached on Monday through Friday from 8:00 am to 5:30 pm.

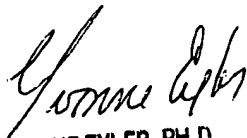
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yvonne Eyler, Ph.D., can be reached at (703) 308-6564. The fax phone number for this group is (703) 872-9306 or (703) 872-9307 for after final communications.

Communications via internet mail regarding this application, other than those under U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [yvonne.eyler@uspto.gov].

All Internet email communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark Office on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Janet Andres, Ph.D.  
August 12, 2002

  
YVONNE EYLER, PH.D.  
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